

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 15-24 and 34-40 are pending after entry of the amendments set forth herein.

Claims 15-24 were examined. Claims 25-33 were withdrawn from further consideration as being drawn to a nonelected invention. Claims 25-33 have been canceled above, without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein. Claims 23-24 were allowed. Claims 15, 19, 20 and 22 were rejected. Claims 16-18 and 21 were objected to as being dependent upon a rejected base claim, but indicated to contain allowable subject matter.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

In the Official Action of December 2, 2003, the Examiner rejected claims 15, 19, 20 and 22 under 35 U.S.C. Section 103 as being unpatentable over Blaha et al. (U.S. Patent No. 5,439,313). Blaha was cited as disclosing a vehicle and a spray patch application system, which was interpreted by the Examiner as a work module. The Examiner admitted that Blaha et al. fails to disclose at least one slot on the vehicle defined by predetermined dimensions designed to receive a work module. However, since Blaha et al. may mount the spray patch application system on the rear of the vehicle, the Examiner concluded that it would have been obvious to modify the machine of Blaha et al to include at least one slot on the vehicle defined by predetermined dimensions designed to receive the spray patch application system, as merely requiring altering the mechanical connection between the component to secure the application system in place on the frame.

Applicant respectfully disagrees with this conclusion, and respectfully submits that a *prima facie* case of obviousness has not been set forth with regard to claim 15. Rather, the Examiner has engaged in unacceptable hindsight to provide a reason or motivation to alter the design of the Blaha et al. apparatus. There is simply no suggestion provided by Blaha et al. which would lead one of ordinary skill in the art to modify the mounting arrangement for the spray patch application system. Nor has the Examiner stated a reason as to why one of ordinary skill in the art would be motivated to make such a

modification. As such, a *prima facie* case has not been established.

Nevertheless, in an effort to advance the prosecution of this case to issuance, Applicant has amended claim 15 to recite at least two work modules which are interchangeable in a slot provided in the apparatus. It is respectfully submitted that claim 15, and claims depending therefrom are allowable over Blaha et al.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 15, 19, 20 and 22 under 35 U.S.C. Section 103 as being unpatentable over Blaha et al. (U.S. Patent No. 5,439,313), as being clearly inappropriate.

Applicant wishes to extend his thanks to the Examiner for the indicated allowability of claims 23-24.

Claims 16-18 and 21 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten into independent form to include all of the limitations of the base claim and any intervening claims. It is respectfully submitted that claims 16-18 and 21 are now allowable, for at least the reasons provided above with regard to claim 15, since these claims depend from claim 15. Additionally, Applicant has submitted new claim 36 to combine the recitations of claims 15 and 16 prior to the above amendment of claim 15; and new claims 37 and 38 which correspond to the recitations in claims 17 and 18. New claim 39 combines the recitations of claim 15 (prior to the above amendment of claim 15), 20 and 21. New claim 40 recites a machine having at least two slots of predetermined dimensions, and at least one work module that may be interchangeably positioned in at least two different slots. It is respectfully submitted that each of newly presented claims is allowable over Blaha et al. as well as the other art of record.

Finally, a Power of Attorney and correspondence address were submitted with the response filed on August 12, 2003, requesting the correspondence be mailed to Applicant's representative. However, to date, Applicant continues to receive the mailed correspondence in this case. It is respectfully requested that the correspondence going forward be mailed to Applicant's representative.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

Atty Dkt. No.:ZURN-001
USSN: 09/972,347

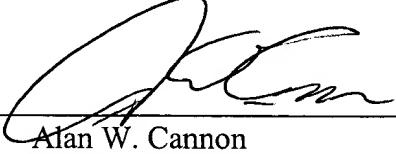
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number ZURN-001.

Respectfully submitted,

LAW OFFICE OF ALAN W. CANNON

Date: February 9 2004

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